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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/091,644	03/06/2002	Tiecheng A. Qiao	83598D-W	9144	
7590 03/01/2004			EXAMINER		
Paul A. Leipold			NUTTER, NATHAN M		
Patent Legal St	taff		ART UNIT PAPER NUME		
Eastman Kodak Company 343 State Street			1711		
Rochester, NY 14650-2201			DATE MAILED: 03/01/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application N	lo.	Applicant(s)	511
î ;		-	QIAO ET AL.	
Office Action Summary	10/091,644	· · · · · · · · · · · · · · · · · · ·	Art Unit	
Office Action Summary	Examiner		1711	
The MAILING DATE of this communication ap	Nathan M. Nu		1	'ess
Period for Reply	pouro en ure so	, , , , , , , , , , , , , , , , , , , ,		•
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	.136(a). In no event, h ply within the statutory I will apply and will exp fe cause the applicati	owever, may a reply be ti minimum of thirty (30) da bire SIX (6) MONTHS fron on to become ABANDONI	mely filed ys will be considered timely. n the mailing date of this com ED (35 U.S.C. § 133).	munication.
Status			•	
3) Since this application is in condition for allows	is action is non- ance except for	formal matters, pr		nerits is
closed in accordance with the practice under	Ex parte Quayle	∍, 1935 C.D. 11, 4	153 O.G. 213.	
Disposition of Claims				
4) Claim(s) 1-29 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-29 are subject to restriction and/or	awn from consid			
Application Papers				
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the corre 11) The oath or declaration is objected to by the E	ccepted or b) e drawing(s) be hection is required i	eld in abeyance. Softhe drawing(s) is o	ee 37 CFR 1.85(a). bjected to. See 37 CFF	
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the pri application from the International Bure * See the attached detailed Office action for a list	nts have been rents have been reiority documents au (PCT Rule 1	eceived. eceived in Applica s have been receiv 7.2(a)).	ntion No ved in this National S	Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06 Paper No(s)/Mail Date 6-02.	4) 8) 5) 6)	<u> </u>		152)

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1, 3/1, 7/1, 14/1, 19/1-22/1 and 24/1, drawn to a gelatin-based substrate, classified in class 428, subclass 478.2, class 435, subclasses 180 and 960, and class 436, subclasses 528, 531 and 809.
- II. Claims 2, 3/2, 4-6, 7/2, 8-13, 14/2, 15-18, 19/2-22/2, 23 and 24/2, drawn to a gelatin-based substrate, classified in class 428, subclass 478.2, class 435, subclasses 181 and 960, and class 436, subclasses 528, 532 and 809.
- III. Claim 25, drawn to a method of making the substrate of Group I, classified in class 428, subclass 478.2, class 435, subclasses 180 and 960, and class 436, subclasses 528, 531 and 809.
- IV. Claims 26-29, drawn to a method of making the substrate of Group II, classified in class 428, subclass 478.2, class 435, subclasses 181 and 960, and class 436, subclasses 528, 532 and 809.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and of Group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as

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capable of use together and they have different modes of operation, different functions, or different effects.

Inventions of Group III and of Group IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are produced using different steps, are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects.

Inventions of Group I and of Group III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process can be used to make other and materially different substrates.

Inventions of Group II and of Group IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process can be used to make other and materially different substrates.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Due to the complexity of the restriction requirement, a telephone call was not made to request an oral election to the above restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on Monday-Friday 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nathan M. Nutter Primary Examiner Art Unit 1711

nmn

23 February 2004